REMARKS

Statement of Substance of Interview

Applicants appreciate the courtesy of a personal interview between Examiner Channavajjala and Applicants' representatives on January 10, 2011. At the interview, Applicants provided English translations of JP '814 and JP '703 and discussed the disclosure of the translations with regard to the pending claims.

JP '814

Applicants explained that the disclosure of JP '814 corresponds to that of Nakamura and that accordingly, JP '814 does not cure any deficiency of Nakamura. Particularly, Applicants explained that JP '814 teaches that an anionic surfactant is required to prepare an adequately transparent or semi-transparent composition, referring, for example, to page 6, lines 21-24 of the translation.

JP '703

Applicants explained that JP '703 teaches the advantage of using a surfactant (such as an anionic surfactant) to increase the effect of the subject composition and that a skilled artisan would have not have intentionally excluded an ionic surfactant, but rather would have been motivated to add an ionic surfactant.

The Examiner questioned the turbidity or transparency of the compositions of JP '703. Applicant agreed to provide technical explanations thereon in a Response. No agreement with respect to the claims was reached.

It is respectfully submitted that the present Statement of Substance of Interview complies with the requirements of 37 C.F.R. §§ 1.2 and 1.133 and MPEP § 713.04.

Response to Claim Rejections under 35 U.S.C. § 103

Claims 7 and 12-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,355,232 to Kaneko et al and EP 092852 (EP 252 submitted on PTO-1449 dated 1-27-03) in view of US 5,294,444 to Nakamura et al or Nakamura in view of Kaneko and EP 092852, and further in view of either one of JP-A-04-193814 ('814) or JP 63-192703 ('703).

Applicants respectfully traverse.

The rejection should be withdrawn at least for the reason that a skilled artisan would not have modified Nakamura, Kaneko, and EP '852 in view of JP '814 and JP '703 as proposed in the Office Action. As detailed in the previous responses, Nakamura specifically discloses that component (C) [ionic surfactant] is used in an amount of 1-50% by weight, preferably 2-30% by weight based on the weight of component (B) [nonionic surfactant]. If the amount of component (C) is out of this range, the cosmetic composition will not be adequately transparent or semi-transparent. (See Nakamura, Col. 3, lines 55 to Col. 4, line 3). That is, if one of ordinary skill in the art *were* to combine Nakamura with JP '814 or JP '703 to exclude the "ionic surface active agent" from cosmetic composition of Nakamura, as suggested by the Examiner, the obtained composition would not be transparent or semi-transparent.

Regarding JP '814, as discussed in the Examiner Interview, the disclosure of JP '814 corresponds to that of Nakamura, and accordingly, JP '814 does not cure any deficiency of Nakamura. JP '814 teaches that an anionic surfactant is required to prepare an adequately transparent or semi-transparent composition, referring, for example, to page 6, lines 21-24 of the translation.

Regarding JP '703, Applicant respectfully submits that the compositions of JP '703 are turbid, and, thus, are not clear. JP '703 is directed to and provide oil-in-water type emulsions, *e.g.*, Examples 3 and 4 of JP '703.

An oil-in-water type emulsion cosmetic (see page 10 of the translation of JP '703) is an oil-in-water emulsion, which is a dispersion liquid in which both of a dispersoid and a dispersion medium are liquid. Oil-in-water emulsions tend to have a cloudy or turbid appearance. Familiar examples of such an oil-in-water emulsion are mayonnaise, vinaigrette, adhesive for woodworking, acrylic paint, photosensitive layers of photographic film, and sealing agent for asphaltic pavement. See, Wikipedia at http://en.wikipedia.org/wiki/Emulsion (visited January 19, 2011). Also, Applicants enclose herewith a copy of a relevant portion of "The Oxford English Dictionary," which defines "Emulsion" as "3.a. A milky liquid obtained by bruising almonds, etc. in water." A copy of these references is submitted along with the Response under a separate cover. In this regard, Applicant notes that no IDS is required for this reference to be considered by the Examiner, because this reference is submitted in support of Applicant's arguments which are made in response to the Examiner's rejection.

In conclusion, an oil-in-water emulsion obtained in JP '703 is turbid.

In contrast, independent claim 7 recites a clear aqueous cosmetic additive composition.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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